

REMARKS

Claims 1-22 and 24-49 are pending in the present application.

Claims 42-43 stand rejected under 35 U.S.C. 103(a) for obviousness over U.S. Patent No. 5,649,293 to MacLellan et al. Claims 18-22 and 31-44 stand rejected over the judicially created doctrine of double patenting.

Applicants respectfully traverse the rejections and urge allowance of the present application.

Claim 42 has been amended for clarity. The amendments made herein now more positively express limitations which were previously inherent in such claim(s), and accordingly are not for the purpose of narrowing and do not effectively narrow the scope of any claim.

Referring to the obviousness rejection of claim 42, the Office Action on page 3 identifies teachings of MacLellan relied upon in support of the rejection. Applicants submit that MacLellan fails to disclose or suggest positively-recited limitations of claim 42, and accordingly, Applicants respectfully request reconsideration of the 103 rejection of claim 42.

The Office Action identifies a signal at processor 200 as allegedly disclosing an outputted return link communication signal. The Office also identifies the line from 103 to 102 as allegedly disclosing the claimed coaxial cable. Applicants disagree.

Initially, MacLellan is void of any teachings of processor 200 outputting signals to LAN 102. To the contrary, MacLellan discloses processor 200 *receiving* signals from LAN 102. For example, at col. 3, lines 27-33, it is stated that application processor 101 communicates over LAN *to interrogators* 103-104. It is stated that *interrogator 103*

receives an information signal from processor 101 and formats a downlink message to be sent to the tag. The signal communicated to the tags is communicated via the transmitter antenna 204.

However, claim 42 recites the *communication stations configured to output a plurality of return link communication signals* and plural *coaxial cables configured to communicate respective ones of the return link communication signals of respective communication stations*. Accordingly, claim 42 recites the *coaxial cables configured to communicate return link communication signals which have been outputted from the communication stations*. The connection between 102 and 200 is not disclosed as communicating any signal outputted from the communication station as claimed. Accordingly, even if MacLellan is modified as alleged in the Action, the modification fails to teach or suggest limitations of claim 42 and claim 42 is allowable for at least this reason.

In addition, MacLellan is *void* of any teaching or suggestion of the line between LAN 102 and processor 200 comprising a coaxial cable as claimed. Applicants have electronically searched MacLellan and have failed to uncover any "coaxial" teachings. The Action fails to identify any coaxial teachings in MacLellan. The connection between LAN 102 and processor 200 is a local area network connection and there is no teaching in MacLellan of using a coaxial cable for the networked connections. The coaxial cable limitation of claim 42 can not be considered inherent inasmuch as numerous other alternatives exist for implementing networked connections of a LAN. Accordingly, even if MacLellan is modified as alleged in the Office Action, the modification fails to teach or

suggest positively-recited limitations of claim 42. Claim 42 is allowable for at least this reason.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP §2143 (8th ed.).

Even if the teachings of MacLellan are modified to include a plurality of communication stations as alleged on pages 3-4 of the Action, the modification fails to disclose or suggest processor 200 outputting signals to LAN 102 via a coaxial cable. Positively-recited limitations of claim 42 are not disclosed nor suggested by MacLellan and claim 42 is allowable for at least this reason. Applicants respectfully request reconsideration of the obviousness rejection for the above-mentioned reasons.

The claims which depend from independent claim 42 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to the double patenting rejection with respect to U.S. Patent No. 6,336,764, it is stated on page 2 of the Action that "no terminal disclaimer has been filed and therefore the double patenting rejection stands." As set forth in Applicants' previous response, U.S. Patent No. 6,336,764 is entitled "Adjustable water-guiding rod for a cleaning brush" which fails to disclose subject matter in the present application.

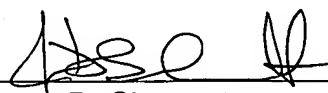
Further, such patent is not indicated as being assigned to the assignee of the present application. The assignee of the present application and the assignee of the U.S. Patent No. 6,336,764 are different and the application and the patent are directed towards different subject matter. The double patenting rejection is in error for at least the above-mentioned reasons. Applicants respectfully request a telephone call if the double patenting rejection is not withdrawn in an effort to further the prosecution of the present application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 12/27/04

By: 
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